

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 148

Introduced by Aguilar, 35; Bourne, 8; Howard, 9; McDonald, 41;
Preister, 5; Price, 26; Schimek, 27; Stuthman, 22

Read first time January 7, 2005

Committee: Judiciary

A BILL

1 FOR AN ACT relating to child abuse; to amend section 28-707,
2 Revised Statutes Supplement, 2004; to proscribe children
3 near methamphetamine production; to provide a penalty;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-707, Revised Statutes Supplement,
2 2004, is amended to read:

3 28-707. (1) A person commits child abuse if he or she
4 knowingly, intentionally, or negligently causes or permits a minor
5 child to be:

6 (a) Placed in a situation that endangers his or her life
7 or physical or mental health;

8 (b) Cruelly confined or cruelly punished;

9 (c) Deprived of necessary food, clothing, shelter, or
10 care;

11 (d) Placed in a situation to be sexually exploited by
12 allowing, encouraging, or forcing such minor child to solicit for
13 or engage in prostitution, debauchery, public indecency, or obscene
14 or pornographic photography, films, or depictions; ~~or~~

15 (e) Placed in a situation to be sexually abused as
16 defined in section 28-319 or 28-320.01; or

17 (f) Placed in or near the processing, cooking, or
18 manufacturing of methamphetamine.

19 (2) The statutory privilege between patient and
20 physician, between client and professional counselor, and between
21 husband and wife shall not be available for excluding or refusing
22 testimony in any prosecution for a violation of this section.

23 (3) Child abuse under subdivision (1) (a), (1) (b), (1) (c),
24 (1) (d), or (1) (e) of this section is a Class I misdemeanor if the
25 offense is committed negligently.

26 (4) Child abuse under subdivision (1) (a), (1) (b), (1) (c),
27 (1) (d), or (1) (e) of this section is a Class IIIA felony if the
28 offense is committed knowingly and intentionally and does not

1 result in serious bodily injury as defined in section 28-109.

2 (5) Child abuse under subdivision (1)(a), (1)(b), (1)(c),
3 (1)(d), or (1)(e) of this section is a Class III felony if the
4 offense is committed knowingly and intentionally and results in
5 serious bodily injury as defined in ~~such~~ section 28-109.

6 (6) Child abuse under subdivision (1)(f) of this section
7 is a Class III felony.

8 (7) Child abuse under subdivision (1)(a), (1)(b), (1)(c),
9 (1)(d), (1)(e), or (1)(f) of this section is a Class IB felony if
10 the offense is committed knowingly and intentionally and results in
11 the death of such child.

12 Sec. 2. Original section 28-707, Revised Statutes
13 Supplement, 2004, is repealed.